

Serial No.: 10/707,334
 Confirmation No.: 1333
 Applicant: BYSTEDT, Sören *et al.*
 Atty. Ref.: 00173.0047.PCUS00

REMARKS:**REMARKS REGARDING CLAIMS AMENDMENTS:**

Claims 2 and 13 have been indicated as being allowable if written into independent format; responsively, they have been written into such format and are therefore allowable, together with the claims that depend directly and indirectly therefrom. Claim 11 has also been written into independent format, the allowability of which is discussed hereinbelow.

IN RESPONSE TO THE OFFICE ACTION:

Presentation of differences is made hereinbelow in the form of a table comparing Applicants' claimed invention (left-hand column) and the teachings of the cited reference, Suenaga *et al.* (right-hand column):

Applicants' Claim Recitations	Suenaga et al. JP 356038516A
Claim 1 recites "compressed air supply system"	Suenaga et al. addresses a water-based cooling system. The reference describes an engine that includes "a compressor (4) of an <u>exhaust</u> turbo-charging (2)." This provides evidence that the compressor provides compressed exhaust gases, not air, to the engine.
Claim 1 recites "the control unit is arranged to determine a cooling requirement of the compressed air"	The reference does not teach a control unit arranged to determine a cooling requirement of compressed air, but instead controls the temperature of cooling water.
Claim 1 further recites "protecting said first active component against thermal overload resulting from compressed air fed in from the compressor"	Suenaga et al. fails to teach protection of any active component because the reference addresses activation of a fan (13) based on the condition of a water temperature sensor (17). The fan cools exhaust gases in a turbocharger pipe (10) to assist water-cooling of the supercharged engine (1) for optimum engine performance.

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The tabular summary provides at least three requirements, found in claim 1 of the present invention but not in the reference of Suenaga *et al.*; therefore, the reference does not support rejection of claims of the present invention under 35 U.S.C. §102. Applicants request, therefore, that the rejection be reconsidered and withdrawn.

CLAIM REJECTION - 35 U.S.C. §102

According to the Office Action, claims 1, 11 and 12, of the present invention, are rejected under 35 U.S.C. 102(b) as being anticipated by Suenaga *et al.* (JP 56-38516). The rejection cites only Figure 2 of the reference that is purported to show “a compressed air line 5 from a compressor 4 being cooled by a fan 13 in response to a temperature sensor 18.” Use of only Figure 2 of the reference, without citation of specific portions of the description, leaves much to interpretation that could be influenced by Applicants’ disclosure of the present invention.

For there to be anticipation under 35 U.S.C. §102, “each and every element” claimed by the present invention must be found either expressly or inherently described in Japanese Patent Number JP 356038516A (Suenaga *et al.*). The following discussion provides evidence that Suenaga *et al.* fails to satisfy the requirements of an anticipating reference since it does not teach or inherently describe all of the features required by claims of the present invention.

According to the Abstract of the reference, the purpose of Suenaga *et al.* is “To prevent the fall of the cooling efficiency of the radiator in the cooling system of a supercharged engine - -.” In contrast, the present invention seeks to protect a “first active component against thermal overload resulting from compressed air fed in from the compressor.” Suenaga *et al.* and the Office Action are both silent regarding an active component and the need to protect the active component from thermal damage. However, the reference is clear in the need to optimize engine performance by controlling the temperature of cooling water in the engine cooling system.

The reference uses “signals from a charging temperature detector 17” to “show that the - - temperature of the charging and the cooling water are above given values”. This statement suggests an error in the Office Action that indicates component 18 as a “temperature sensor.” The Office Action offers no additional clarification and there is nothing in either Figure 2 or the Abstract of Suenaga *et al.* to determine the identity or function of component 18.

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The Abstract of Suenaga et al. clearly teaches that “an electric fan 13 (is) started through a controller 14 - - - permits the temperatures of the - - - cooling water to be kept below given allowable values - - -.” In other words, the temperature detector 17 senses elevation of water temperature in the engine radiator 7 then signals to controller 14 to activate the electric fan 13. Suenaga et al. teaches monitoring of the temperature of cooling water, not exhaust gases, for determining the need for operation of the electric fan 13.

Paragraph [0025] of the present invention describes “a temperature probe 18 (is) fitted in connection with the compressed air line 4 for measuring the temperature of the compressed air (emphasis added) delivered by the compressor 2.” This differentiates claims 1, 11 and 12 of the present invention from Suenaga et al. by requiring monitoring the temperature of air in a compressed air line, whereas the reference monitors the temperature of water in the cooling system of an engine that includes a compressor connected to the engine exhaust for the common practice of delivering compressed exhaust gases through a pipe to the inlet manifold of the engine. Suenaga et al. does not monitor the temperature of the exhaust gases and is silent regarding delivery of compressed air to an active component, as required by claims 1 and 12 of the present invention. Further, Suenaga et al does not teach protection of the active component from thermal overload, which requirement is also recited in claims 1 and 12 of the present invention.

In view of the above, Applicants submit that the requirement for each and every element claimed by the present invention to be found either expressly or inherently described in Japanese Patent Number JP 356038516A (Suenaga et al.) has not been met. Therefore, Applicants request that the rejection of Claims 1, 11 and 12 under 35 U.S.C. §102(b) be reconsidered and withdrawn and that the Examiner indicate the allowance of the claims in the next paper from the Office.

CLAIM REJECTION - 35 U.S.C. §103

The Office Action contains rejection of claims 1, 4 - 9 and 11 under 35 U.S.C. §103(a) as being unpatentable over Harden, III et al. (U.S. 5,386,873) in view of Suenaga et al. (JP 56-38516).

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Following admission that Harden *et al.* contains “no explicit teaching of how the compressor operates and that the fan is temperature controlled.” the Office Action relies upon Suenaga *et al.* to provide the required teachings. Deficiencies of Suenaga *et al.* as a reference have been discussed with reference to rejection of claims under 35 U.S.C. §102. Regardless of the suggestion that Suenaga *et al.* shows “a compressed air line 5 from a compressor 4 being cooled by a fan 13 in response to a temperature sensor 18.” there is nothing in the reference to show that component 18 is a temperature sensor, but there is evidence to show that water temperature detector 17 (see Suenaga, Figure 2) operates on controller 14 to activate the electric fan 13.

Evidence shows that Suenaga *et al.* does not provide the support needed in combination with Harden, III *et al.* to sustain rejection of claims 1, 4 - 9 and 11 under 35 U.S.C. §103(a). Therefore, this combination fails to support further combination with Foege (U.S. 6,068,447) to provide basis for rejection of claim 10 under 35 U.S.C. §103(a).

In view of the above, Applicants submit that a *prima facie* case of obviousness under 35 USC §103 has not been presented. Therefore, Applicants request that the rejection of Claims 1 and 11 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

ALLOWABLE SUBJECT MATTER

Applicants acknowledge with appreciation that Claims 2, 3 and 13-15 represent allowable subject matter.

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CONCLUSION

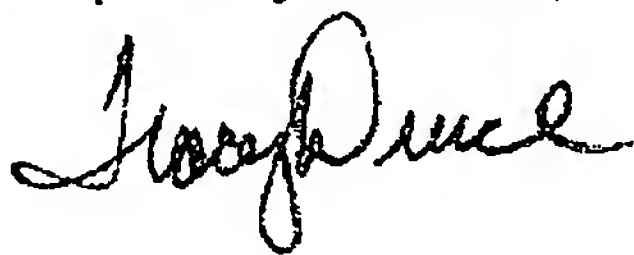
Applicants have made an earnest attempt to respond to all the points included in the Office Action. Evidence presented herein confirms that the present invention is neither anticipated nor obvious over the references cited in the Action. Consequently, request is respectfully made for reconsideration of the application and notification of allowance of original claims 1 - 15 in the next paper from the Office.

The undersigned representative requests any extension of time that may be deemed necessary to further the prosecution of this application.

The undersigned representative authorizes the Commissioner to charge any additional fees under 37 C.F.R. 1.16 or 1.17 that may be required, or credit any overpayment, to Deposit Account No. 14-1437, Order No. 00173.0047.PCUS00.

In order to facilitate the resolution of any issues or questions presented by this paper, the Examiner is requested to directly contact the undersigned by phone to further the discussion.

Respectfully submitted,



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